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Carter eyes trial of ex-CIA chief

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WASHINGTON—President Carter has taken under consideration a recommendation by Justice Department lawyers to indict former Central Intelligence Agency director Richard Helms in connection with testimony before Congress on CIA activities in Chile. The Tribune has learned.

It is widely thought that Helms faces indictment for telling the Senate that the CIA did nothing to overthrow the government of Marxist Salvador Allende in Chile.

Sources close to Helms' defense attorneys said they were told a week ago that an indictment was imminent. These sources said Carter has reviewed the results of the Justice Department's two-year inquiry.

The Justice Department lawyers said more than a month ago, these sources said, that the evidence warranted indictment.

ATTY. GEN. Griffin Bell has said the results of the Helms inquiry are on his desk and he will make a decision soon, possibly this month. A Justice Department spokesman refused comment when asked if the matter has been sent to the White House for a final decision.

White House officials declined comment on the Helms case. However, they said standing policy is that decisions on whether or not to pursue any particular case reside with the Justice Department.

One concern that has delayed a final decision in Helms' case is whether a trial with the broad powers of discovery that are a right of the defense would endanger national security.

WHILE JUSTICE Department indictments normally do not come under White House review, it would be difficult if not impossible for an attorney general alone to decide whether indictment was worth the risk to the national security.

Another consideration, according to former CIA Director William Colby, is whether the evidence against Helms would stand up.

Colby said he does not think Helms should be

indicted as a matter of justice and law," Colby told The Tribune in a telephone interview.

"The Supreme Court has made it clear you cannot convict on perjury unless the evidence is very clear," Colby said. "If you look at Helms' testimony each question he was asked has extenuating circumstances around it."

"HE WAS asked specifically: Did you help Allende's opponents?"

"Well, we considered doing that," Colby said. "There were two opponents of Allende. And we made a specific decision against it. Now if there was a spillover from some of the other things we

may have done, that's a different matter."

"He was obviously keeping a secret," Colby added. "But that's what the President [former President Nixon] ordered him to do."

Colby has entered law practice since leaving the CIA early last year.

IT ALSO WAS learned that organized labor has urged the White House not to indict Helms. Sources close to the White

House said George Meany, head of the AFL-CIO, talked to Carter about the matter.

Meany argued that national security considerations rank above the need to prosecute Helms, the sources said.

Helms' hiring of Washington superlawyer Edward Bennett Williams is considered a sign that Helms intends to pursue the most vigorous defense possible if he stands trial. That could include disclosure of sensitive activities of Helms during his long tenure with the CIA.